


Exhibit 9

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June 28, 2007 12:01 AM Eastern Time 

Kingsley & Kingsley Announces Pharmaceutical Reps File Overtime Lawsuits Against Bristol-Myers Squibb and Abbot Laboratories

Virtually All Major Drug Companies Now Face Class Action Suits for Violating Federal and State Labor Laws

LOS ANGELES--(BUSINESS WIRE)--This morning, pharmaceutical representatives filed lawsuits against the pharmaceutical giants Bristol-Myers Squibb and Abbott Laboratories. The suits are the latest in a series of class actions by employees for violation of state and federal overtime laws by drug companies. All of the largest drug companies are now facing national overtime lawsuits filed in state and federal courts in California, New York, New Jersey, Illinois and Connecticut.

The lawsuits against Bristol-Myers are being filed in federal court in New York and in state court in California; the suit against Abbott is being filed in federal court in Chicago. The new lawsuits charge that the companies – like others in the industry – unlawfully characterize pharmaceutical representatives as “exempt” under the Fair Labor Standards Act and other labor laws, thus depriving the reps of overtime pay earned and owed.

Although pharmaceutical reps are often given fancy titles, they have little or no decision-making responsibility and their jobs should be covered by state and federal overtime laws, the lawsuits charge.

These and earlier cases filed in recent months – against AstraZeneca, Johnson & Johnson, Amgen, Eli Lilly, Hoffman LaRoche, Novartis, Merck, Wyeth, GlaxoSmithKline, Bayer, Boehringer-Ingelheim, Schering-Plough and Sanofi Aventis – are being litigated by the Los Angeles based-firms of Kingsley & Kingsley, LLP and Spiro Moss Barness LLP, the New York firm of Joseph and Herzfeld, LLP and/or the Washington, DC law firm of Sanford Wittels & Heisler, LLP. The New York firm of Emery Celli Brinckerhoff & Abady LLP is also litigating the Bristol-Myers Squibb and the Eli Lilly action, in which it is joined by the New York office of Seeger Weiss.

“The industry as a whole employs about 100,000 reps,” said Eric Kingsley of Kingsley & Kingsley. “They routinely work very long hours, often 60 hours a week and sometimes up to 70 or more.”

“Although the companies claim that the representatives are salespersons and therefore not protected by overtime laws, with some exceptions, they actually don’t sell anything,” explained Charles Joseph of Joseph & Herzfeld. “Rather, they are tasked to influence the prescribing behaviors of doctors. Many employees in all industries are under the mistaken impression that being salaried means that they are not protected under the overtime laws. But a salaried employee is entitled to overtime unless they fit within one of the closely defined exceptions to the rule.”

“These are loyal, hardworking employees who play by the rules,” said Ilann Maazel of Emery Celli Brinckerhoff & Abady LLP. “There is no excuse for Bristol-Myers’ failure to properly compensate its employees.”

Plaintiff Beth Amendola of Coconut Creek, Florida, who was at Bristol-Myers Squibb from 1998 until 2006, won top regional sales awards five of the eight years she worked at the company. “We would be in the field from 8 AM until 5 PM, and then have 3-4 hours of

paperwork to complete at night. I was always at their beck and call. I felt like the Sorcerers' Apprentice where all the pails and buckets kept coming, no matter how much work I did. Overtime was mandatory; overtime pay was not an option."

Recent class action lawsuits have won multimillion-dollar settlements for insurance adjusters and computer technicians who were illegally denied overtime by employers who claimed they were exempt.

Class certification has been granted in the case against Novartis (*Lopes v. Novartis*), which was originally filed by Sanford Wittels in March 2006. "Hundreds of Novartis reps have joined the suit and we expect shortly that many more will," said attorney David Sanford, who has also filed a sex discrimination lawsuit against the company.

The law firms have set up a website: www.pharmarepovertime.com and toll-free numbers: 888-500-8469 and 866-348-7394 for current and former pharmaceutical company employees who are interested in joining the lawsuits.

According to Kingsley, more than 500 pharmaceutical reps have already called the hotline. "Each time, the reps tell us how they have been forced to work nights and weekends on a regular basis and have not been paid overtime," he noted.

Plaintiffs who call the hotline describe how their jobs have changed dramatically over the years. In the past, pharmaceutical representatives had the freedom to use their own educated judgment and creativity in marketing the drugs. In the last several years, however, perhaps because of lawsuits over drug marketing and increasing FDA scrutiny, companies have insisted that the representatives use memorized scripts or stick to regimented guidelines as to what they may and may not say. "The complete loss of autonomy in making decisions and scheduling work and family life is a great source of frustration," said Kingsley. "Many reps feel that what was once a desirable job has turned into rote performance under intense scrutiny at the whim of their immediate supervisors. This is difficult for all reps, but is particularly hard on women with children."

Bristol-Myers Squibb Company is a multibillion-dollar Delaware Corporation with headquarters in New York City; Abbott Laboratories is headquartered in Illinois; the company's revenue last year was more than \$22 billion. Both corporations do business throughout the United States and internationally.

The proposed classes in the combined lawsuits include tens of thousands of pharmaceutical representatives throughout the country. The plaintiffs are asking federal and state courts to order the drug companies to provide overtime pay going forward to eligible employees as well as compensation and damages to current and former employees who were unfairly denied overtime in the past.

Further Information

Members of the media can obtain copies of the complaints by going to the website: www.pharmarepovertime.com.

Current and former pharmaceutical company representatives who wish to learn more about the lawsuits or to join the lawsuits should visit www.pharmarepovertime.com or call (888) 500-8469 or (866) 348-7394 to contact plaintiffs' attorneys.

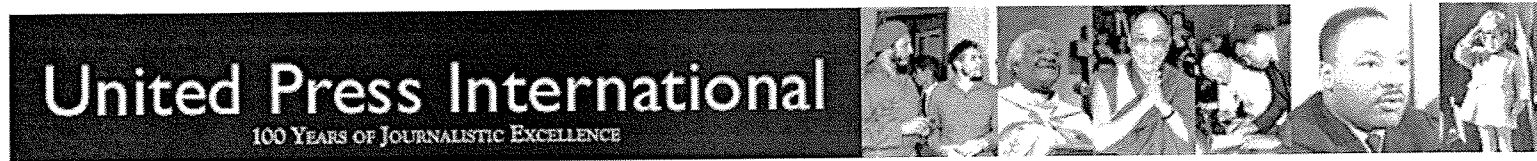
Contacts

Kingsley & Kingsley, APC
Eric Kingsley, 818-990-8300
or
Joseph & Herzfeld LLP
Charles Joseph (except BMS), 866-348-



7394
or
Sanford Wittels & Heisler LLP
David Sanford, 202-742-7777
or
Emery Celli Brinckerhoff & Abady LLP
Ilann Maazel (BMS and Lilly only), 212-763-
5000





Health Business - Briefing

BMS, Abbott face drug-rep class suit

Published: June. 28, 2007 at 11:49 AM

LOS ANGELES, June. 28 (UPI) -- Drug sales representatives Thursday filed a class action suit against U.S. firms Bristol-Myers Squibb and Abbot seeking overtime back pay.

The complaint charges that the companies unlawfully classify pharmaceutical sales representatives as "exempt" under the Fair Labor Standards Act, a status that keeps the reps from collecting compensation for working overtime.

"Although pharmaceutical reps are often given fancy titles, they have little or no decision-making responsibility and their jobs should be covered by state and federal overtime laws," said a statement issued Thursday by the plaintiffs' Los Angeles-based legal counsel Kingsley & Kingsley.

"The industry as a whole employs about 100,000 reps," said plaintiffs' attorney Eric Kingsley. "They routinely work very long hours, often 60 hours a week and sometimes up to 70 or more."

The plaintiffs, as in similar suits filed against major pharmaceutical giants, claim that drug sales reps are not really salespersons because "they don't actually sell anything."

The suits are the latest in a spate of lawsuits against big players in the pharmaceutical industry, alleging the companies' sales rep policies violate federal and state labor laws.

Similar suits have been filed in recent months by Kingsley & Kingsley and other law firms against AstraZeneca, Johnson & Johnson, Amgen, Eli Lilly, Hoffmann-La Roche, Novartis, Merck, Wyeth, GlaxoSmithKline, Bayer, Boehringer-Ingelheim, Schering-Plough and Sanofi-Aventis

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Sales Reps File More Overtime Lawsuits

[June 28th, 2007 1:48 am](#) By [Ed Silverman](#)



Sales reps are filing lawsuits today against two more drugmakers - Bristol-Myers Squibb and Abbott Labs - over alleged violations of state and federal overtime laws. With these filings, all of the biggest drugmakers face overtime lawsuits in state and federal courts, according to the lawyers for the sales reps.

The lawsuits charge the drugmakers unlawfully characterize sales reps as “exempt” under the Fair Labor Standards Act and other labor laws, depriving the reps of overtime pay. The lawsuits charge sales reps may have fancy titles, but work 60 to 70 hours a week, have little or no decision-making responsibility and their jobs should be covered by state and federal overtime laws.

The other drugmakers targeted include AstraZeneca, Johnson & Johnson, Amgen, Eli Lilly, Hoffmann-La Roche, Novartis, Merck, Wyeth, GlaxoSmithKline, Bayer, Boehringer-Ingelheim, Schering-Plough and Sanofi Aventis.

“Although the companies claim that the representatives are salespersons and therefore not protected by overtime laws, with some exceptions, they actually don’t sell anything,” says Charles Joseph, one of the lawyers.

“Rather, they are tasked to influence the prescribing behaviors of doctors. Many employees in all industries are under the mistaken impression that being salaried means that they are not protected under the overtime laws. But a salaried employee is entitled to overtime unless they fit within one of the closely defined exceptions to the rule.”

Beth Amendola of Coconut Creek, Florida, was at Bristol-Myers Squibb from 1998 until 2006, and won top regional sales awards five of the eight years she worked there. “We would be in the field from 8 AM until 5 PM, and then have 3 to 4 hours of paperwork to complete at night. I was always at their beck and call. I felt like the Sorcerers’ Apprentice where all the pails and buckets kept coming, no matter how much work I did. Overtime was mandatory; overtime pay was not an option.”

The various law firms involved in the litigation are working hard to solicit sales reps to join the lawsuits. They’ve set up a web site, Pharmaovertime.com, for instance, and toll-free numbers. Meanwhile, the lawyers say class certification was been granted in the case against Novartis.

The proposed classes in the combined lawsuits include tens of thousands of sales reps throughout the country. The plaintiffs are asking federal and state courts to order the drugmakers to provide overtime pay going forward to eligible employees as well as compensation and damages to current and former employees who were unfairly denied overtime in the past.

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